

# Water Rules

## Keeping Summer Fun on the Safe Side

Story and photos by Craig Bihrlle



*When two boats approach each other head-on, there is no “law” that says a boat operator should veer off to the right as if meeting on a highway, but going right is usually a good idea. This is a situation where you don’t want to wait until the last minute to make your intention known. Either right or left, let the other boater know what you are going to do, and do it well in advance so he or she can respond accordingly.*

*In situations where other boaters are operating erratically and not properly responding to your move, slow down or stop after looking around to make sure no boats are following close enough to be surprised by your actions.*

Most people own boats for pleasure, as a get-a-way from land, as a haven from stress, as transportation into a world where options include floating relaxation or high-speed excitement. Whether the boat is a craft destined to take its owner and companions to an isolated fishing hole, a pontoon to barge the family to a crowded sandbar beach party, a canoe for a placid journey down a tree-lined river, or a sleek speedster for pulling screaming tubers or just blowing sand out of your hair, being in a boat means one thing:

Unless you're a fishing guide or in law enforcement, when you're in a boat, you're likely not at work. It's a good feeling. It's fun. Boating is a welcome break, but it's not recreation without responsibility.

Most adults drive some kind of automobile every day. Traffic rules are second nature. Roads are striped to designate sides. Instructional signs and signals indicate speed, stop, go, turn lanes and pedestrian crosswalks.

On the water, circumstances are different. Most boaters store their crafts seven or eight months a year. During the fishing,

fun and sun season, the boat is on the trailer or lift a lot more than it's in the water. Boating rules have to be relearned from year to year, and sometimes even from trip to infrequent trip.

Except for an occasional floating marker, the only boat traffic signs are at boat ramps. The water has no designated travel routes, no speed limit or yield signs. Adult boat drivers are not tested, for there is no operator's license required for adults to drive a boat. The only license needed is for the boat itself.

In a way, the boating scene is like a great big honor system, with everybody trusting everyone else to know the rules and do the right thing. For the most part, the system works, even though not everybody knows the rules, according to district game warden Daryl Kleyer, Williston. Because of that, "Whenever boats come close together," Kleyer says, "it's a good idea to slow down, or stop all together, until you know the intentions of the other individual."

While North Dakota does have boating accidents, the rate is low compared to most other states. Few reported accidents involve boats colliding at high speeds.

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*North Dakota game wardens frequently issue citations for boat license violations. Sometimes the boat owner forgets to place the current license sticker on the boat, other times the license number style is not up to code. The style in the photo below is a type of lettering that is very readable from a distance and therefore acceptable. Letters painted or placed on the boat in cursive style, or in colors that match the boat, are not readable and likely to warrant a citation.*

*In North Dakota, all watercraft powered with any kind of motor – electric troller to jet engine – must be registered with the Game and Fish Department and bear the proper license.*







*While lakes and rivers don't have stop signs or signal lights, boat lights that display red and green are an effective substitute. The rule is the same as if driving a car. If you see red, stop. Boats approaching from the right (bottom photo) will always display the red light, but during daylight, the light may not be on or visible. In that case, a boat coming from the right has the right-of-way, and you must slow down or stop and allow it to pass in front of you.*

*A boat approaching from the left (top photo) will display its green light, a signal that you have the right-of-way. In this situation, however, it's always best to slow down until you are certain the approaching boat has the same idea as you.*

*A front red-green light (inset middle) and back white light are required of all boats powered by motor. Lights must be turned on and visible from sunset to sunrise.*

Less than half of reported accidents from 2000-2002 produced injuries that required treatment beyond first aid. Fatalities are almost always related to boats swamping from overloading or large waves, or occupants accidentally falling overboard.

An unbiased observer looking down at places like Lake Metigoshe or the Missouri River between Bismarck and Mandan on a hot July Saturday afternoon might find this hard to believe. Boats going up and down the water, back and forth and crosswise, pulling tubers, hauling floating parties, anchored for fishing, and planing for speed over cross-directional, bounce-inducing wakes. And yet, at the end of most evenings, everyone is off the water safe, sound and sunburned.

Nancy Boldt, North Dakota Game and Fish Department boat and water safety coordinator, has a theory about that. "There's a lot of courtesy out there," she says, even though at times some stretches of water are a congested nightmare. "We're fortunate that very few get injured."

### Accidents Do Happen

North Dakota boat owners are required to report to the Game and Fish Department any accident involving injury, death or more than \$500 property damage. In the past three years, the Department has logged 55 boating accidents and nine associated fatalities.

Sixty percent of reported accidents involved personal watercraft, but none of these mishaps had related fatalities. Personal watercraft, Kleyer said, are so maneuverable that other nearby boaters might not anticipate sudden changes in



direction. All boaters, he said, should use caution when other boats are nearby, especially when they're outside the 100-foot idle-speed zone and moving fast.

People involved in PWC accidents, Boldt added, are often not the craft's owner, but someone whom the owner or owner's children allowed to drive the craft without sufficient training. "New drivers don't realize that when you let up on a PWC throttle, you can't steer it," Boldt said. "Make sure friends know how to drive one before you let them operate in a congested situation."

North Dakota has more than 50,000 licensed boats, about 20,000 more than just 15 years ago.

### PFD Performance

Call them personal floatation devices, life preservers, life jackets or float coats, they are the most important piece of equipment in a boat. Consider this:

Since 1991, 26 people have died in North Dakota boating accidents. None of them were wearing a life jacket.

Perhaps that's why state game wardens and boating educators alike direct considerable attention to life jacket use. The law is clear. Children age 10 and under must wear a life jacket at all times while in a boat. Each boat has to have an approved life jacket available for everyone on board. A PFD made for a child is not an adequate life jacket for a 200-pound man, and vice versa.

*The moving boat in this photo is violating the 100-foot idle-speed zone. In fishing situations like these, the least maneuverable craft has the right-of-way. For instance, a drifting boat has the right-of-way over a boat propelled by a trolling motor. An anchored boat has the right-of-way over a drifting boat.*

*Anchoring in a popular fishing spot is a good way to raise the ire of fellow anglers who would also like an opportunity to drift or troll through the same public spot.*



*Within 100 feet of cabin docks, shorelines where people are gathered, swimming areas – whether the area is roped off or not – and other boats whether they are anchored or underway, motorboats must slow to idle speed, defined as the slowest speed at which you can maintain steerage.*

Almost every year, "inadequate PFDs" is the most prevalent boating citation issued by game wardens. "By and large, when it comes to safety issues, we just don't give warnings," says Kleyer. "If you don't have enough life jackets in your boat, I'm going to write you a ticket. It's just that simple."

While adults don't have to wear their life jackets – the law says they must be

## Be Prepared

The motto of the Scout is "Be Prepared." That's sound advice for boaters as well, in a year when likely more North Dakotans than ever will look to the state's waterways for fun in the sun. Beyond meeting legal requirements such as adequate number of life preservers and properly functioning lights, here's some things to consider before heading away from the dock or boat ramp.

"Every time you leave that dock," says Nancy Boldt, Game and Fish Department boat and water safety coordinator, "you should be prepared to be out there longer than you plan."

- Bring a sweatshirt, towel, bug spray and sun screen, no matter how long or short your planned outing, especially on big waters like the Missouri River System. Even a short evening pleasure ride can turn into a long ordeal if the motor quits and you have to spend several hours in a boat at night without protection from cooling temperatures and marauding mosquitoes.

- Know the weather forecast. Are thunderstorms predicted? Will the wind switch directions? Will it come up strong during the day?

- Bring a cell phone if you have one.

- Always let someone know where you're going and what time you expect to return.





“easily accessible” – Kleyer strongly suggests keeping them close by. “Accidents, on land or on water, happen so quickly and nobody expects them, that’s why they’re accidents,” he said. “When those kinds of things happen you just don’t have time to grab a life jacket. That’s why it’s important to have them accessible.”

One facet of young-boater education is proper PFD fit and use, Boldt said. Kids can slide out of adult-sized jackets, and some types aren’t designed to stand up to hard impacts with water, such as falling from skis or a speeding tube.

Boldt’s advice is to overbuy life jackets for kids, so they’re suited for any type of water activities, whether the family owns a boat or not. Then the child has his or her own PFD that fits, to take along to any occasion. If you’re going on someone

else’s boat, you never know if they’ll have the proper life jackets on hand, Boldt said.

#### Citations: The Last Resort

Ask any game warden and they’ll tell you they’d rather not have to write any tickets. In reality, they don’t write many when compared to the number of boats and boaters they check during the course of a summer.

Year in and year out, unlicensed boats are a popular ticket, and inadequate PFDs is always number one or number two. Failure to have an observer aboard while towing a skier is common, as is prohibited or reckless operation.

Add them all together and the average number of boating citations is 441 per year over the last seven years. That may seem like a lot, but it measures out to just about one citation for every 120 registered boats, or about 15 citations issued by each warden over the course of the summer.

“Most of the people try to obey the laws, try to do it right,” Kleyer said. “Sometimes they make mistakes.”

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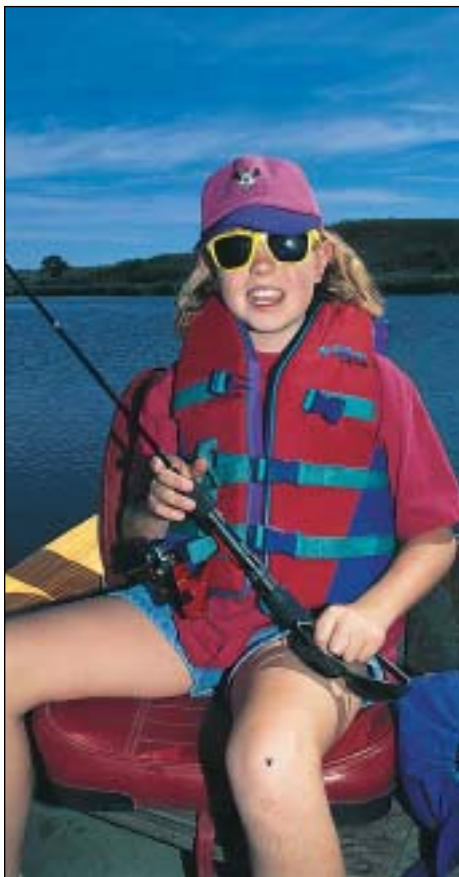
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*Personal watercraft are treated the same as any other motor-powered boat, with the exception that operators and passengers are required to wear a life jacket, as opposed to simply having one available for every passenger on board. PWCs must also stay more than 100 feet away from other crafts when moving at more than idle speed, a violation demonstrated in the photo below.*



*Regulatory buoys, usually found by marinas, cabin sites on small lakes, or near boat ramps, have a 250 foot idle-speed zone in all directions.*





*Children age 10 and younger must wear an approved life jacket at all times while in a boat. The jacket should fit properly – if it's too small it might not hold the child afloat, if it's too large, it could come off when the child is in the water.*

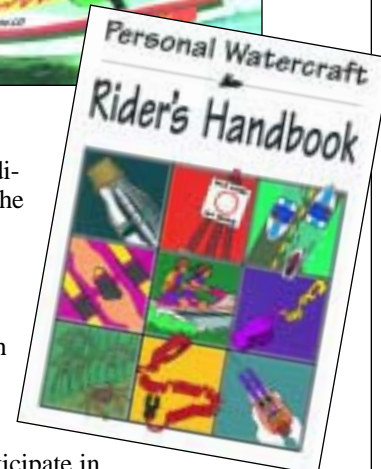
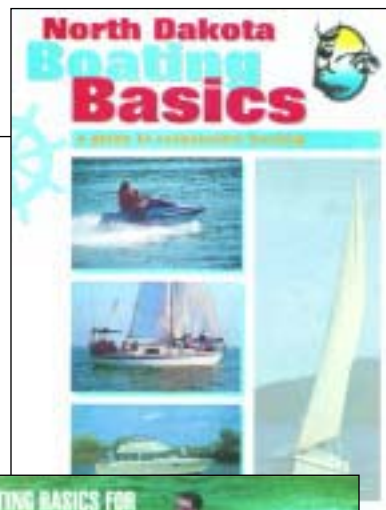
## Boating Basics

The Game and Fish Department, along with the North Dakota Safety Council, U.S. Coast Guard Auxiliary and U.S. Army Corps of Engineers, offer a variety of boating safety education programs. The anchor is the Boating Basics course, administered by the Game and Fish Department to certify young boat operators, and offer adult boat owners a refresher course that may help them qualify for an insurance discount.

The Boating Basics course is a home study test. It is required of all North Dakota youth ages 12-15 who want to operate a boat powered by a motor of more than 10 horsepower.

Children ages 11 and under can only operate a boat powered by a motor of more than 10 horsepower if an adult parent or guardian is on board.

Boat operators ages 16 and up do not need any course, but the Game and Fish Department recommends that all boaters study the Boating Basics course.



In addition to the Boating Basics course, Game and Fish personnel also set up and participate in a variety of boating safety education efforts, including the Safety Council's Kids in Boats program, which uses small, battery-powered craft for on-the-water instruction. Game and Fish certified more than 1,200 Boating Basics graduates in 2001-02, and staff reach several thousand youngsters and adults each year with boating safety presentations at all kinds of events, including school programs and summer camps.

For more information on Boating Basics or any other water safety program or publication, contact Nancy Boldt, Department boat and water safety coordinator, at (701) 328-6312; email: [nboldt@state.nd.us](mailto:nboldt@state.nd.us); or mail at 100 N. Bismarck Expressway, Bismarck, ND 58501. Most license vendors and marine businesses have copies of the current boat and water safety guide; the guide is also available at Game and Fish offices and the Department's website at [discovernd.com/gnf](http://discovernd.com/gnf).

